

**REMARKS**

Favorable reconsideration of this application is respectfully requested.

Claims 1 and 3 through 23 remain pending in this application. Claim 2 has been canceled.

Claims 1, 3, 6, 7 and 14 through 18 were rejected under 35 U.S.C. §102 as being anticipated by Publication No. WO 02/078568 to Browning (hereinafter simply referred to as "Browning"). These rejections are respectfully traversed.

Nowhere does Browning teach or suggest a composite prosthesis for reinforcement of a tissue structure including a porous textile support which includes an arrangement of threads each composed of at least one filament of nonabsorbable polymer material, the textile support defining a microporous texture comprising the interstices located between at least two threads at the sites of contact of one thread with at least one other thread, wherein, in at least one protected zone of the textile support, a hydrophilic absorbable material coats the textile support, forming a film enveloping and penetrating into the arrangement of threads, occluding at least the microporous texture, but without forming a plane layer covering at least one face of the textile support, the textile further defining a macroporous texture comprising volumes whose surface is defined by the empty spaces between at least two threads away from their sites of contact, and whose height is defined by the thickness of the textile support, and wherein the film of absorbable material is noncontinuous and preserves the macroporous texture of the textile support on said protected zone as recited in claim 1.

Rather, as noted by the Examiner (see page 7, lines 8-12 of the Office Action) and contrary to the prosthesis of claim 1, Browning teaches the use of a film which occludes the macroporosity of the textile over the protected zone, i.e., the zone possessing a coating. As further noted by the Examiner (see page 7, line 17 of the Office Action), Browning also fails to

disclose the use of a noncontinuous absorbable material. Thus, as Browning does not disclose the use of a film of an absorbable material which is noncontinuous and preserves the macroporous texture of the support, Browning fails to anticipate or render obvious claim 1, as well as any claims depending directly or indirectly therefrom, which include claims 3, 6, 7, and 14-18.

Similarly, claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Browning. Claims 9 and 10 depend from claim 1 and thus incorporate all of its limitations therein. As noted above in great detail, Browning fails to render claim 1 obvious; thus, it cannot render claims 9 and 10 obvious.

Claims 2, 8, and 12-13 were next rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of U.S. Publication No. 2003/0023316 to Brown (hereinafter simply referred to as "Brown"). Claim 2 has been cancelled and claims 8 and 12-13 depend directly or indirectly from claim 1.

As noted above, nowhere does Browning disclose or suggest a composite prosthesis for reinforcement of a tissue structure including a porous textile support which includes an arrangement of threads each composed of at least one filament of nonabsorbable polymer material, the textile support defining a microporous texture comprising the interstices located between at least two threads at the sites of contact of one thread with at least one other thread, wherein, in at least one protected zone of the textile support, a hydrophilic absorbable material coats the textile support, forming a film enveloping and penetrating into the arrangement of threads, occluding at least the microporous texture, but without forming a plane layer covering at least one face of the textile support, the textile further defining a macroporous texture comprising volumes whose surface is defined by the empty spaces between at least two threads away from

their sites of contact, and whose height is defined by the thickness of the textile support, and wherein the film of absorbable material is noncontinuous and preserves the macroporous texture of the textile support on said protected zone as recited in claim 1.

Brown fails to remedy the deficiencies of Browning. While Brown teaches a textile having a film which does not cover the entire textile, nowhere does Brown disclose or suggest a porous textile having a macroporous texture and a protected zone (coated portion) wherein an absorbable noncontinuous film coats the textile and preserves the macroporous texture of the textile in the protected zone. Thus, Brown cannot be combined with Browning to render any of the pending claims obvious and reconsideration of this rejection is respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Brown, further in view of European Patent No. 0774240 to Landgrebe (hereinafter simply referred to as "Landgrebe"). Claim 11 depends from claim 1, and thus incorporates all of its limitations therein.

As noted above in great detail, neither Browning nor Brown, taken alone or in any combination, render obvious claim 1 or any claim depending therefrom. Landgrebe fails to remedy the deficiencies of Browning and/or Brown, no matter how these references may be combined. Landgrebe fails to teach or suggest a porous textile having a macroporous texture and a protected zone (coated portion) wherein an absorbable noncontinuous film coats the textile and preserves the macroporous texture of the textile in the protected zone. Rather, Landgrebe discloses an implant for suspension of the urinary bladder having two pairs for projections and non-parallel edges. Although Landgrebe discloses the implant may be made from nonabsorbable materials having an absorbable coating thereon, there is no teaching or suggestion in Landgrebe of a textile having a macroporous structure on the coated area of the implant. Thus, neither

Browning, Brown nor Landgrebe, taken alone or in any combination, render claim 11 obvious and reconsideration of this rejection is respectfully requested.

Claims 19 and 23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,451,032 to Ory et al. (hereinafter simply referred to as "Ory"). Claims 20 through 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ory. Claims 20-23 all depend from claim 19. These rejections are respectfully traversed.

Nowhere does Ory teach or suggest a process for preparing a textile including preparing a solution A of a hydrophilic absorbable material, impregnating at least part of the surface of a porous textile support with solution A, the porous textile support possessing an arrangement of threads each composed of at least one filament of nonabsorbable polymer material, with the textile support defining a microporous texture which includes the interstices located between at least two threads at the sites of contact of one thread with at least one other thread, and drying the impregnated part of the textile support as recited in claim 19.

Rather, Ory discloses the preparation of a film resulting from two thin layers applied to a flat inert support. The first thin layer is positioned on the flat inert support as a solution and allowed to dry before the second thin layer of solution is superimposed on the first thin layer. A textile may then be added to the second thin layer prior to drying. Since the first thin layer is dried prior to the addition of the textile, the film forms a planar layer that will occlude the porosity, including any macroporosity, of the flat inert support. This is contrary to the process of claim 19, whereby at least a portion of the support is capable of retaining its porosity, including any macroporosity. Therefore, Ory fails to anticipate or render obvious the process of claim 19. Claims 20 and 23 all depend from claim 19 and incorporate its limitations therein, so Ory

similarly fails to anticipate or render obvious claims 19 through 23 and reconsideration of the rejections of claims 19 through 23 is respectfully requested.

Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Ory. Claim 4 depends from claim 1, and claim 5 depends from claim 4.

As noted above in great detail, nowhere does Browning disclose or suggest the composite prosthesis of claim 1. Ory fails to remedy the deficiencies of Browning, no matter how these references may be combined. Nowhere in Ory is a porous textile having a macroporous texture and a protected zone (coated portion) wherein an absorbable noncontinuous film coats the textile and preserves the macroporous texture of the textile in the protected zone. Rather, Ory discloses a film resulting from two superimposed thin layers of bioabsorbable materials applied to a flat inert support. The first thin layer is positioned on the flat inert support as a solution and allowed to dry before the second thin layer of solution is superimposed on the first thin layer. A textile may then be added to the second thin layer prior to drying. Since the first thin layer is dried prior to the addition of the textile, the film does not preserve the macroporous texture of the textile, i.e., the film occludes the macroporosity of the textile in the protected zone (coated portion). Thus neither Browning nor Ory, taken alone or in any combination, render claims 4 and 5 obvious and reconsideration of this rejection is respectfully requested.

Accordingly, withdrawal of the rejections regarding claims 1 and 3 through 18 as recited above is respectfully requested.

Claims 1 through 3, 6, 8 through 14, and 16 through 18 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 through 17 of copending U.S. Application Serial No.10/690532.

Claims 4 and 5 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 of copending U.S. Application Serial No.10/690532 in view of Ory.

Claim 7 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 of copending U.S. Application Serial No.10/690532 in view of Browning.

Applicant notes the above double patenting rejections of claims 1, 3 through 14 and 16 through 18. While not necessarily agreeing with these rejections, applicant will consider filing a Terminal Disclaimer once all other issues of patentability are resolved.

In view of the foregoing, this application is believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,



---

Michael R. Brew  
Reg. No. 43,513  
Attorney for Applicant

***Carter, DeLuca, Farrell & Schmidt, LLP***  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5700  
Fax: (631) 501-3526  
MRB/nr